

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.19522 OF 2005

DATED:15.9.2005

Between:

Ravuri Lakshmamma

...Petitioner

And

The Commissioner of Appeals

Office of the Chief Commissioner of Land Administration

Andhra Pradesh, Hyderabad and others

...Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.19522 of 2005

ORDER:

The petitioner filed the instant Writ Petition challenging the order of first respondent passed under Section 14-A of the A.P. (Andhra Area) Inams (Abolition and Conversion into Ryotwari) Act, 1956 (for short, the Act) confirming the order passed by second respondent under Section 7(2) of the Act, who refused to interfere with the action of third respondent in granting patta for an extent of Acs.2.00 in S.No.2315/1 and 2315/2P of Kesavari Agraharam, hamlet of Brahmanaraka Village, Jaladanki Mandal, Nellore District, in favour of fourth respondent.

The brief fact of the matter, which is not much in dispute, may be noticed. Brahmanaraka was a ryotwari village. The Mandal Revenue Officer conducted necessary enquiry and granted patta in favour of fourth respondent. Petitioner herein filed an appeal under Section 7(2) of the Act before third respondent, who dismissed the same. Again a revision was filed by the petitioners which was also dismissed. Before the revisional authority the petitioner contended that Mandal Revenue Officer did not follow the procedure contemplated under the Act before granting patta and that he did not issue notice to the affected parties. He also contended that the Mandal Revenue Officer did not notify the land as ryoti land and the persons who are cultivating the land as on the appointed date. The first respondent perused the records of the Mandal Revenue Officer and came to the conclusion that the Mandal Revenue Officer followed the procedure contemplated under the Act and granted patta to fourth respondent.

When the matter came up for admission, learned counsel for the petitioners, Sri O.Manohar Reddy, vehemently contended that the procedure contemplated under Section 3 of the Act was not followed. Therefore, this Court directed the learned Assistant Government Pleader for Revenue (General) to produce relevant record from the office of the Mandal Revenue Officer, Jaladanki Mandal in Nellore District. Today the file relating to Case No.881/95 is produced before this Court. The statement of fourth respondent is found at page No.93. A copy of form-5 issued under Rule 5 of the A.P. (Andhra Area) Inams (Abolition and Conversion into Ryotwari) Rules, 1957 (for short, the Rules) notifying that Special Deputy Tahsildar proposed to conduct enquiry under Section 7 of the Act is found at page No.95, and the proceedings and the patta granted in form-8 are found at page Nos.99 and 101. Apart from these documents, the other documents in the file would belie the contention of the petitioner that necessary procedure under Section 3 of the Act and the Rules is not followed. Further, the first respondent summoned the record from the office of the Mandal Revenue Officer/Inams Deputy Tahsildar and after satisfying himself passed the order. In that view of the matter, the procedure or decision making process by the authorities below does not in any manner is vitiated by any illegality.

The Writ Petition is therefore dismissed. No costs.

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(V.V.S.RAO, J)

15.9.2005

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